vent this the plaintiff sued out an injunction against the board. He objected to such removal on the grounds that his children would be obliged to go two and three-quarters miles to school instead of a half mile, as formerly; and that it would necessitate the imposition of an extra tax upon his property. The action turned upon two points, viz.: (1) The right of the plaintiff in such case to invoke equity on his behalf, and (2) The right of tax-payers in regard to the location of school-houses. As to the first, the court held that while ordinarily it is the duty of a public corporation to bring a suitable action against any of its officers who are acting fraudulently or beyond the scope of their powers, yet if such corporation does not or will not bring such action, anyone immediately affected by the abuse may proceed to vindicate his rights. Also that there would seem to be no substantial reason why a bill by or on behalf of individual tax-payers should not be entertained to prevent the misuse of corporate powers. (Dillon on Municipal Corporations, and *Crampton* v. *Zabriskie*, 101 U. S. 601.) Then too the plaintiff's interest was not joint and common with that of the other tax-payers of his sub-district, but his injury was an individual one, inasmuch as it imposed an equal tax upon him, who would be injured, and upon others, who would be benefited, by the proposed removal. Therefore he had in such case abundant right to invoke equity to restrain such action. As to the second question, it was decided that when a school-house has once been legally located, it can be removed only by competent authority; and such competent authority rests not in the township school board, but in the will of the majority of the voters resident in the subdistrict, as expressed in a public election. "It is not in the power of a township school board, or of any number of citizens of a sub-district, to make such removal without that vote being taken and so declared, and any attempt to do so is without the solemn sanction of the electors, and is illegal and void." As it had appeared in evidence that the board had acted on its own reponsibility, and that no vote of the electors had been taken on the matter, it was held that the proposed removal could not be made.

Constitutional Law — Inter-State Commerce — License.— The case of *Harmon* v. *City of Chicago*, 29 N. E. 732 (Ill.) considers at length one phase of the much mooted inter-State commerce question. The facts are briefly these. The plaintiff, Harmon, owned twelve steam tugs, plying in waters around the city of Chicago, and licensed by the United States to engage in inter-State com-

merce. The Chicago City Council passed an ordinance taxing tugs, etc., twenty-five dollars each. Harmon paid the license tax under protest, and immediately brought proceedings in assumpsit, resting on the general proposition that the city of Chicago had no right to exact a license fee from boats engaged in inter-State commerce, on the ground that such an ordinance was unconstitutional, conflicting with the congressional power of regulating commerce. The defendant sought first to sustain the validity of the city ordinance on the ground that its enforcement was an exercise of police power. The court having decided this proposition untenable, the defendant contended, on rehearing, that the harbor being dredged and kept in general repair at the expense of the city of Chicago, the license fee charged vessels should be regarded merely as a proper compensation for the use of the water course and not as a tax upon the commerce in which such vessels were engaged. Having admitted that if the ordinance was in any proper sense a regulation of inter-State commerce, so far as it was so, it was repugnant to that provision of the constitution granting to congress the power to regulate commerce among the several States, and therefore void, the court said that it was equally clear that the city of Chicago, under statutory authority having improved the harbor and river at its own expense, could exact from vessels using the water course a reasonable compensation for the improvements thus furnished. This clause of the constitution and also that forbidding any State to levy imports or tonnage duties has reference in any given case only to the use of the highways, whether on land or water, *in their natural state.* "It did not contemplate that such highways could not be improved by artificial means, and for outlays caused by such work the State may exact reasonable tolls," (*Huse* v. *Glover*, 119 U. S. 543). As to whether such tolls could legally take the form of a license upon the tugs which navigated the river the court held that such was a proper mode of exacting compensation for the benefits conferred.

Railroad Companies — Accidents at Crossings — Trespasses — Contributory Negligence. — In the case of *Fehnrich* v. *Mich. Cent. R. R. Co.*, 49 N. W. Rep. 890 (Mich.), it was held that where a boy of fourteen years, in attempting to cross a track upon which an engine was standing in plain sight, and in so doing, instead of squarely crossing, turns his back upon the engine and walks along the track for a short distance, and in consequence thereof is struck and injured, it is not *per se* negligence, but is a question of fact for a jury; and